

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

IN RE JACKSON WATER CASES

CAUSE NO. 3:23-CV-614-CWR-LGI

**THIS DOCUMENT RELATES TO ALL
PLAINTIFFS**

**DEFENDANTS' OPPOSED MOTION FOR ENTRY OF
PRE-DISCOVERY ("*LONE PINE*") CASE MANAGEMENT ORDER**

Pursuant to Federal Rules of Civil Procedure 1, 16 and 26 and this Court's inherent authority to manage its docket, Defendants The City of Jackson, Mississippi, Mississippi State Department of Health, and Trilogy Engineering Services, LLC (collectively, Defendants) file this Motion for Entry of a Pre-Discovery ("*Lone Pine*") Case Management Order, in the form proposed as Exhibit 1.

In support, Defendants incorporate and rely on their contemporaneously filed Memorandum, as well as the following exhibits:

| Exhibit | Description |
|----------------|---|
| 1 | Proposed Pre-Discovery <i>Lone Pine</i> Case Management Order |
| 2 | Mississippi Department of Health Jackson Water Testing Information, available at https://apps.msdh.ms.gov/DWW/JSP/WaterSystemDetail.jsp?tinwsys_is_number=317&tinwsys_st_code=MS&wsnumber=MS0250008 |
| 3 | Exemplar MTCA Notice of Claim Letter: Case No. 3:21-cv-0663, Doc. 60-1. |
| 4 | Case No. 3:23-cv-00614, Doc. 51-1, Mar. 27, 2020, Ltr. To City of Jackson re: Emergency Admin. Order, PWS ID No. MS025008 |
| 5 | Ltr. From U.S. Environ. Prot. Agency to City of Jackson (Mar. 30, 2020) attaching NEIC Civil Invest. Rep., available at https://www.epa.gov/system/files/documents/2021-07/neic-civil-investigation-report_city-of-jackson-public-water-system.pdf |

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| 6 | Lead Testing Results, June 2015: https://jacksonfreepress.media.clients.ellingtoncms.com/news/documents/2016/02/04/0250008_PB_2015_with_ReSample_Results_1.pdf , cited in Case No. 3:23-CV-00614 (Am. Compl., Master Docket), Doc. 51 at n. 36 |
| 7 | Cleveland Clinic, Lead Poisoning: Causes, Symptoms, Testing & Prevention, https://my.clevelandclinic.org/health/diseases/11312-lead-poisoning |
| 8 | Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, Sources of Lead Exposure, available at https://www.cdc.gov/nceh/lead/prevention/sources.htm |
| 9 | Agency for Toxic Substances and Disease Registry, Lead Toxicity: What Are Routes of Exposure to Lead?, available at https://www.atsdr.cdc.gov/csem/leadtoxicity/exposure_routes.html |
| 10 | <i>Acuna v. Brown & Root</i> , Case 5:96-cv-00543 (W.D. Tex.), Order, Doc. 54 (Apr. 11, 1997) |
| 11 | <i>Acuna v. Brown & Root</i> , Case 5:96-cv-00543 (W.D. Tex.), Order Affirming Magistrate Judge's Order Enforcing Scheduling Order, Doc. 74 (Dec. 29, 1997) |
| 12 | Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, Testing Children for Lead Poisoning, available at https://www.cdc.gov/nceh/lead/prevention/testing-children-for-lead-poisoning.htm |

Pursuant to Local Civ. Rule 7(b)(10), Defendants state that Plaintiffs oppose this motion.

CONCLUSION

Defendants request that the Court enter a pre-discovery *Lone Pine* CMO in the form proposed as Exhibit 1 and for all other relief to which they are entitled.

Respectfully submitted, this the 10th day of October 2023.

**MISSISSIPPI STATE DEPARTMENT OF
HEALTH**

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CERTIFICATE OF SERVICE

I, Meade W. Mitchell, one of the attorneys for Defendant Mississippi State Department of Health, do hereby certify that I have this day served a true and correct copy of the above and foregoing document by filing it using the ECF system which sent notice of such filing to all counsel of record.

SO CERTIFIED, this the 10th day of October, 2023.

/s/ Meade W. Mitchell
MEADE W. MITCHELL